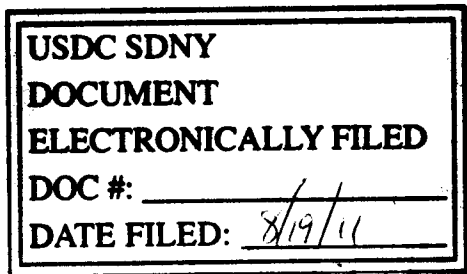


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK



MARIEA BOWMAN,

Plaintiff,

-against-

THE CITY OF NEW YORK, POLICE OFFICER ASA
BARNES, POLICE OFFICER KELVY VASQUEZ, AND
SGT. AMANJEET SANDHU,

Defendants.

**JUDGMENT
PURSUANT TO RULE 68**

08 CV 10123 (PAC)(FM)

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WHEREAS, plaintiff commenced this action by filing a complaint on November 21, 2008, alleging that defendants violated her federal civil and state common law rights; and

WHEREAS, defendants have denied any and all liability arising out of plaintiff's allegations; and

WHEREAS, on January 19, 2011, pursuant to Rule 68 of the Federal Rules of Civil Procedure, defendant City of New York made plaintiff an Offer of Judgment; and

WHEREAS, on January 21, 2011, plaintiff accepted defendant City of New York's Rule 68 Offer of Judgment;

NOW, IT IS HEREBY ORDERED, ADJUDGED AND DECREED THAT:

1. Pursuant to Rule 68 of the Federal Rules of Civil Procedure, plaintiff Mariea Bowman will take judgment against defendant City of New York in this action for the sum of **Forty Thousand and One Dollars (\$40,001)**, plus reasonable attorneys' fees, expenses and costs arising out of plaintiff's claims asserted, pursuant to 42 U.S.C. § 1983 and pursuant to New York State law, up to January 19, 2011.

2. This judgment shall be in full satisfaction of all claims or rights that plaintiff Mariea Bowman may have to damages, or any other form of relief, arising out of the alleged acts or omissions of the defendants, CITY OF NEW YORK, POLICE OFFICER ASA BARNES, POLICE OFFICER KELVY VASQUEZ, AND SGT. AMANJEET SANDHU, or any official or employee, either past or present, of the City of New York, or any agency thereof, in connection with the facts and circumstances that are the subject of this action.

3. This judgment shall not to be construed as an admission of liability by any defendant, official, employee, representative or agent, past or present, of the City of New York, or agency thereof; nor it is an admission that plaintiff has suffered any damages.

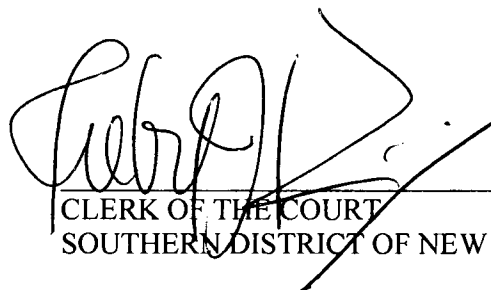
4. Acceptance of the Rule 68 Offer of Judgment acts to release and discharge all defendants, CITY OF NEW YORK, POLICE OFFICER ASA BARNES, POLICE OFFICER KELVY VASQUEZ, AND SGT. AMANJEET SANDHU, their successors or assigns; and all past and present officials, employees, representatives and agents of the City of New York, or any agency thereof, from any and all claims that were or could have been alleged by plaintiff Mariea Bowman in the above-referenced action.

5. Acceptance of the offer of judgment operated to waive plaintiff's right to any claim for interest on the amount of the judgment.

6. Payment of **Forty Thousand and One Dollars (\$40,001)**, within 90-days of the entry of the judgment shall constitute a reasonable time period for such payment.

Dated: New York, New York

Aug 19, 2011


CLERK OF THE COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

----- x

MARIEA BOWMAN,

Plaintiff,

-against-

THE CITY OF NEW YORK, POLICE OFFICER ASA
BARNES, POLICE OFFICER KELVY VASQUEZ, AND
SGT. AMANJEET SANDHU,

Defendants.

----- x

RULE 68
OFFER OF JUDGMENT

08 CV 10123 (PAC)(FM)

Pursuant to Rule 68 of the Federal Rules of Civil Procedure, defendant City of New York hereby offers to allow plaintiff MARIEA BOWMAN to take a judgment against it in this action for the total sum of FORTY THOUSAND AND ONE DOLLARS (\$40,001), plus reasonable attorneys' fees, expenses and costs to the date of this offer for plaintiff's federal claims.

This judgment shall be in full satisfaction of all federal and state law claims or rights that plaintiff may have to damages, or any other form of relief, arising out of the alleged acts or omissions of defendants City of New York, Officer Asa Barnes, Officer Kelvy Vasquez, and Sergeant Amanjeet Sandhu, or any official, employee, or agent, either past or present, of the City of New York, or any agency thereof, in connection with the facts and circumstances that are the subject of this action.

This offer of judgment may only be accepted up to and including February 7, 2011.

This offer of judgment is made for the purposes specified in Rule 68 of the Federal Rules of Civil Procedure and is not to be construed as an admission of liability by any defendant, or any official, employee, or agent of the City of New York, or any agency thereof; nor is it an admission that plaintiff has suffered any damages.

Acceptance of this offer of judgment will act to release and discharge defendants City of New York, Officer Asa Barnes, Officer Kelvy Vasquez, and Sergeant Amanjeet Sandhu, their successors or assigns, and all past and present officials, employees, representatives and agents of the City of New York, or any agency thereof, from any and all claims that were or could have been alleged by plaintiff in the above-referenced action.

Acceptance of this offer of judgment also will operate to waive plaintiff's rights to any claim for interest on the amount of the judgment.

Plaintiff agrees that payment of FORTY THOUSAND AND ONE DOLLARS (\$40,001) within ninety (90) days of the date of acceptance of the offer shall be a reasonable time for such payment, unless plaintiff received medical treatment in connection with the underlying claims in this case for which Medicare has provided, or will provide payment in full or in part. If plaintiff is a Medicare recipient who received medical treatment in connection with the claims in this case, the ninety (90) day period for payment shall start to run from the date plaintiff submits to Counsel for Defendants a final demand letter from Medicare.

By acceptance of this Rule 68 Offer of Judgment, plaintiff agrees to resolve any claim that Medicare may have for reimbursement of conditional payments it has made as secondary payer and a Medicare Set-Aside Trust shall be created, if required by 42 U.S.C. §1395y(b) and 42 C.F.R. §§411.22 through 411.26. Plaintiff further agrees to hold harmless

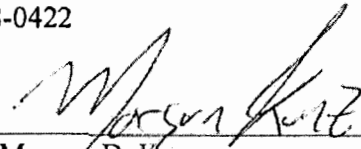
defendants, regarding any past and/or future Medicare payments, presently known or unknown made in connection with this matter.

The judgment shall contain and recite the terms and conditions set forth herein.

Dated: New York, New York
January 19, 2011

MICHAEL A. CARDOZO
Corporation Counsel of the City of New York
*Attorney for Defendants City of New York and
Robert Anderson*
100 Church Street, 3-189
New York, New York 10007
(212) 788-0422

By:


Morgan D. Kunz
Assistant Corporation Counsel
Special Federal Litigation Division

TO: John Cobb, Esq.
Cobb & Cobb, Attorneys at Law
Attorneys for Plaintiff
724 Broadway
Newburgh, NY 12550

Ronald W. Ramirez, Esq.
Ribakove & Ramirez, Esqs.
Attorneys for Plaintiff
107-19 71st Avenue
Forest Hills, NY 11375

COBB & COBB

ATTORNEYS AT LAW

724 BROADWAY, NEWBURGH, NY 12550
TEL: (845) 565-0500 FAX: (845) 565-1035
EMAIL: COBBLAW@AOL.COM

January 21, 2011

VIA FAX ONLY: (212) 788-9776

Morgan Kunz, Esq.
Asst. Corp. Counsel
100 Church St., #3-195
New York, NY 10007

Re: Bowman v. City of New York
08-CV-10123 (PAC) (FM)

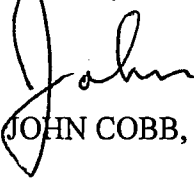
Dear Mr. Kunz:

I am writing this letter on behalf of Ron Ramirez, who is currently out of town.

Plaintiff has accepted the Rule 68 offer that you tendered this week - \$40,000 in settlement to plaintiff plus reasonable attorneys' fees and costs. We will submit a final accounting to you next week, as soon as Mr. Ramirez returns to his office.

We appreciate your cooperation in this matter, and look forward to finalizing the settlement.

Sincerely,



JOHN COBB, ESQ.

JC/ssc

cc: Ronald W. Ramirez, Esq.

DECLARATION OF SERVICE BY MAIL

I, Morgan D. Kunz, declare, pursuant to 28 U.S.C. § 1746, under penalty of perjury that on August 12, 2011, I served the annexed:


- JUDGMENT PURSUANT TO RULE 68;

upon the plaintiff's attorney listed below, by depositing a copy of same, enclosed in a first class postpaid properly addressed wrapper, in a post office depository under the exclusive care and custody of the United States Postal Service, within the State of New York, directed to said plaintiff's attorney at the address set forth below, being the address designated by plaintiff for that purpose:

John Cobb, Esq.
Cobb & Cobb, Attorneys at Law
724 Broadway
Newburgh, NY 12550

Ronald W. Ramirez, Esq.
Ribakove & Ramirez, Esqs.
107-19 71st Avenue
Forest Hills, NY 11375

Dated: New York, New York
August 12, 2011



MORGAN D. KUNZ
ASSISTANT CORPORATION COUNSEL
SPECIAL FEDERAL LITIGATION DIVISION



USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 19 AUG 2011

MICHAEL A. CARDOZO
Corporation Counsel

THE CITY OF NEW YORK
LAW DEPARTMENT
100 CHURCH STREET
NEW YORK, NY 10007

MORGAN D. KUNZ
Assistant Corporation Counsel
E-mail: mkunz@law.nyc.gov
Phone: (212) 788-0422
Fax: (212) 788-9776

August 12, 2011

BY EMAIL

Honorable Paul A. Crotty
United States District Judge
United States District Court
Southern District of New York
500 Pearl Street
New York, New York 10007

Re: Marica Bowman v. City of New York, et. al.,
08 Civ. 10123 (PAC)

Your Honor:

I am an Assistant Corporation Counsel in the office of Michael A. Cardozo, Corporation Counsel of the City of New York, and the attorney assigned to the defense of the above-referenced matter. Defendants write to respectfully request that Your Honor direct the Clerk of the Court, pursuant to Rule 68(a) of the Federal Rules of Civil Procedure, to enter judgment in this matter. Enclosed with this letter all the documents specified by Rule 68, specifically:

- Defendant's Rule 68 Offer;
- Plaintiff's Rule 68 Acceptance;
- A Rule 68 Judgment; and
- Proof of service.

Pursuant to Rule 68 of the Federal Rules of Civil Procedure, upon filing of the above listed documents, the Clerk of the Court "must then enter judgment." Fed. R. Civ. P. 68(a). Accordingly, defendants respectfully request that the Court direct the Clerk of the Court to endorse and file the Rule 68 Judgment.

8/19/2011
*The Clerk of Court is directed
to enter judgment pursuant to
Rule 68
so ordered
Paul M. Kelly*

ENDORSED